

PUBLIC MATERIALS
FOR
PUBLIC WORKSHOP
12/13/2013

Nevada Administrative Code

Chapter 631 Dentistry and Dental Hygiene

[Rev. 5/4/2013 2:47:04 PM]

This chapter of NAC has changes which have been adopted but have not been codified; you can see those changes by viewing the following regulation(s) on the Nevada Register of Administrative Regulations: R066-11

[NAC-631 Revised Date: 2-12)

CHAPTER 631 - DENTISTRY AND DENTAL HYGIENE

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GENERAL PROVISIONS

NAC 631.0005 Definitions. (NRS 631.190) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 631.001 to 631.008, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000; A by R169-01, 4-5-2002)

NAC 631.001 "Board" defined. (NRS 631.190) "Board" means the Board of Dental Examiners of Nevada.

(Added to NAC by Bd. of Dental Exam'rs by R003-99, eff. 4-3-2000; A by R005-99, 9-7-2000)

NAC 631.002 "Certificate of site approval" defined. (NRS 631.190) "Certificate of site approval" means a certificate issued by the Board pursuant to NAC 631.2236.

(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.003 "Conscious sedation" defined. (NRS 631.190) "Conscious sedation" has the meaning ascribed to it in NRS 631.025.

(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.004 "Conscious sedation permit" defined. (NRS 631.190) "Conscious sedation permit" means a permit that:

1. Is issued by the Board pursuant to NAC 631.2213; and
2. Authorizes the holder to administer conscious sedation to a patient.

(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.005 "Deep sedation" defined. (NRS 631.190) "Deep sedation" has the meaning ascribed to it in NRS 631.027.

(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.0055 "Executive Director" defined. (NRS 631.190) "Executive Director" means the Executive Director of the Board.

(Added to NAC by Bd. of Dental Exam'rs by R169-01, eff. 4-5-2002)

NAC 631.006 "General anesthesia" defined. (NRS 631.190) "General anesthesia" has the meaning ascribed to it in NRS 631.055.

(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.007 "General anesthesia permit" defined. (NRS 631.190) "General anesthesia permit" means a permit that:

1. Is issued by the Board pursuant to NAC 631.2213; and
2. Authorizes the holder to administer general anesthesia, deep sedation and conscious sedation to a

patient.

(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.008 "Secretary-Treasurer" defined. (NRS 631.190) "Secretary-Treasurer" means the Secretary-Treasurer of the Board.

(Added to NAC by Bd. of Dental Exam'rs by R169-01, eff. 4-5-2002)

BOARD OF DENTAL EXAMINERS OF NEVADA

NAC 631.010 President of Board: Duties; designation of acting President. (NRS 631.160, 631.190)

1. The President of the Board shall preside at all meetings and hearings of the Board.

2. If the President will be absent or is unable to preside at any meeting or hearing, he or she may designate any other member of the Board to act in his or her place. If the President does not make such a designation, or if the member whom he or she designates is absent, the members who attend the meeting or hearing shall, by majority vote, select from among themselves the person to preside.

3. If the President is notified that the Secretary-Treasurer will not be able to attend a meeting or hearing, the President shall designate another member of the Board to perform the duties of the Secretary-Treasurer at the meeting or hearing.

[Bd. of Dental Exam'rs, § I, eff. 7-21-82]

NAC 631.020 Secretary-Treasurer: Duties; bond. (NRS 631.160, 631.190)

1. The Secretary-Treasurer shall attend all meetings and hearings of the Board and ensure that minutes of the proceedings are taken.

2. The Secretary-Treasurer shall:

(a) Examine all applications for licensure and require that the approved forms are properly executed;

(b) Ensure that the provisions of this chapter which relate to licensure are observed by applicants and licensees; and

(c) Perform such other duties as the Board may direct.

3. The Secretary-Treasurer must have a bond executed in the amount of \$1,000 to indemnify the Board for any loss of its money which is caused by his or her actions. The premium for the bond must be paid from the money of the Board.

[Bd. of Dental Exam'rs, § II, eff. 7-21-82]-(NAC A 12-15-87; R169-01, 4-5-2002)

NAC 631.023 Executive Director: Duties; bond. (NRS 631.160, 631.190)

1. The Executive Director shall attend all meetings and hearings of the Board and take minutes of the proceedings.

2. The Executive Director shall keep in his or her office:

(a) The minutes of matters considered by the Board;

(b) The records of the Board's finances;

(c) The applications submitted to the Board; and

(d) The records of cases in which the Board has denied an application, suspended or revoked a license or certificate, or taken any other disciplinary action.

3. The Executive Director shall:

(a) Account for all money received by the Board;

(b) Examine all applications for licensure and require that the approved forms are properly executed;

(c) Ensure that the provisions of this chapter which relate to licensure are observed by applicants and licensees;

(d) Act as custodian of the Board's official seal;

(e) Affix the seal to any document to be executed on behalf of the Board or to be certified as emanating from the Board; and

(f) Perform such other duties as the Board may direct.

4. The Executive Director must have a bond executed in the amount of \$250,000 to indemnify the Board for any loss of its money which is caused by his or her actions. The premium for the bond must be

paid from the money of the Board.

(Added to NAC by Bd. of Dental Exam'rs, eff. 12-15-87; A 9-6-96; R169-01, 4-5-2002)

LICENSING

NAC 631.028 Applications for licensure; payment of fees. (NRS 631.190, 631.220, 631.345)

1. An application for licensure must be filed with the Executive Director on a form furnished by the Board. The application must be sworn to before a notary public or other officer authorized to administer oaths and accompanied by the fee required pursuant to NAC 631.029.

2. All such fees must be paid with an instrument which is immediately negotiable.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A 12-15-87; 4-3-89; 9-6-96; R169-01, 4-5-2002; R026-05, 12-29-2005)

NAC 631.029 Schedule of fees. (NRS 631.190, 631.240, 631.345) The Board will charge and collect the following fees:

Application fee for an initial license to practice dentistry if the applicant has successfully passed a clinical examination administered by the Western Regional Examining Board or a clinical examination approved by the Board and the American Board of Dental Examiners and administered by a regional examination organization other than the Board.....	\$1,200
Application and examination fee for an initial license to practice dentistry if the examination is approved by the Board and the American Board of Dental Examiners and administered by the Board.....	1,500
Application fee for an initial license to practice dental hygiene.....	600
Application fee for a temporary license to practice dentistry.....	1,200
Application fee for a temporary license to practice dental hygiene.....	600
Application fee for a specialty license by credential.	1,200
Application fee for a temporary restricted geographical license to practice dentistry	600
Application fee for a temporary restricted geographical license to practice dental hygiene.....	150
Application fee for a specialist's license to practice dentistry.....	125
Application fee for a limited license or restricted license to practice dentistry or dental hygiene.....	125
Application and examination fee for a permit to administer general anesthesia, conscious sedation or deep sedation.....	350 750
Application and examination fee for a site permit to administer general anesthesia, conscious sedation or deep sedation.....	350 750

Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation	250 500
Biennial renewal fee for a permit to administer general anesthesia, conscious sedation or deep sedation.....	100 300
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, conscious sedation or deep sedation.....	100 350
Biennial license renewal fee for a general license or specialist's license to practice dentistry.....	600
Biennial license renewal fee for a temporary license to practice dentistry.....	600
Biennial license renewal fee for a restricted geographical license to practice dentistry.....	600
Biennial license renewal fee for a restricted geographical license to practice dental hygiene.....	300
Biennial license renewal fee for a general license to practice dental hygiene.....	300
Biennial license renewal fee for a temporary license to practice dental hygiene.....	300
Annual license renewal fee for a limited license to practice dentistry or dental hygiene	200 \$300
Annual license renewal fee for a restricted license to practice dentistry.....	100
Biennial license renewal fee for an inactive dentist.....	200
Biennial license renewal fee for an inactive dental hygienist.	50
Reinstatement fee for a suspended license to practice dentistry or dental hygiene....	200 \$300
Reinstatement fee for a revoked license to practice dentistry or dental hygiene.....	350 \$500
Reinstatement fee to return an inactive or retired dentist or dental hygienist or a dentist or dental hygienist with a disability to active status.....	200 \$300
Fee for the certification of a license.....	25
Fee for the certification of a license to administer nitrous oxide or local anesthesia...	25
Fee for a duplicate wall certificate.	25
Fee for a duplicate pocket card receipt.	25

Application fee for converting a temporary license to a permanent license.....	125
Fee for an application packet for an examination	25
Fee for an application packet for licensure by credentials	25

**** *Biennial license renewal fee for a dentist or dental hygienist who is retired or has a disability \$50*

(Added to NAC by Bd. of Dental Exam'rs by R026-05, eff. 12-29-2005; A by R159-08, 4-23-2009)

NAC 631.030 Provision of certain information and documentation by applicant for licensure; examination for certain licenses. (NRS 631.190, 631.220, 631.255, 631.272, 631.274, 631.290)

I. An applicant for licensure must provide the following information and documentation in his or her application:

- (a) The date and place of his or her birth;
- (b) Certification of graduation from an accredited dental school or college or from an accredited school or college of dental hygiene, whichever is applicable;
- (c) Whether he or she has applied for similar licensure in another state or a territory of the United States or the District of Columbia and, if so, the name of the state or territory of the United States or the District of Columbia, the date and the result of his or her application;
- (d) If he or she has practiced dentistry or dental hygiene in another state or a territory of the United States or the District of Columbia, certification from the licensing authority of each state or territory of the United States or the District of Columbia in which he or she has practiced or is practicing that he or she is in good standing and that there are not any disciplinary proceedings affecting his or her standing pending against him or her in the other state or territory of the United States or the District of Columbia;
- (e) Whether he or she has terminated or attempted to terminate a license from another state or territory of the United States or the District of Columbia and, if so, the reasons for doing so;
- (f) If he or she is not a natural born citizen of the United States, a copy of his or her certificate of naturalization or other document attesting that he or she is legally eligible to reside and work in the United States;
- (g) All scores obtained on the examination in which he or she was granted a certificate by the Joint Commission on National Dental Examinations and the date it was issued;
- (h) Whether he or she has ever been convicted of a crime involving moral turpitude or has entered a plea of nolo contendere to a charge of such a crime and, if so, the date and place of the conviction or plea and the sentence, if any, which was imposed;
- (i) Whether he or she has had any misdemeanor or felony convictions and, if so, any documents relevant to any misdemeanor or felony convictions;
- (j) Whether any malpractice judgment has been entered against him or her and, if so, any documents relevant to the malpractice judgment;
- (k) Whether he or she has a history of substance abuse and, if so, any documents relevant to the substance abuse;
- (l) Whether he or she has been refused permission to take an examination for licensure by this State, any other state or territory of the United States or the District of Columbia, or any regional testing agency recognized by the Board and, if so, any documents relevant to the refusal;
- (m) Whether he or she has been denied licensure by this State, any other state or territory of the United States or the District of Columbia and, if so, any documents relevant to the denial;
- (n) Whether he or she has had his or her license to practice dentistry or dental hygiene suspended, revoked or placed on probation in this State, another state or territory of the United States or the District of Columbia and, if so, any documents relevant to the suspension, revocation or probation;
- (o) Whether his or her practice of dentistry or dental hygiene has been subject to mandatory supervision in this State, another state or territory of the United States or the District of Columbia and, if so, any documents relevant to the mandatory supervision;
- (p) Whether he or she has received a public reprimand or is currently involved in any disciplinary action concerning his or her license to practice dentistry or dental hygiene in this State, another state or territory of the United States or the District of Columbia and, if so, any documents relevant to th

reprimand or disciplinary action;

(q) Two sets of certified fingerprint cards and an authorization form allowing the Board to submit the fingerprint forms to law enforcement agencies for verification of background information; and

(r) Any other information requested by the Board.

2. An applicant for licensure with examination must deliver to the Board, at least 45 days before the examination:

(a) The information and documentation listed in subsection 1;

(b) If applicable, the certified statement and proof required by subsection 5;

(c) A completed and signed application form issued by the Board, including a properly executed request to release information;

(d) A copy of current certification in administering cardiopulmonary resuscitation; and

(e) A copy of his or her malpractice insurance policy showing the effective dates, which must cover his or her examination dates, and the limits of liability.

3. An applicant for licensure pursuant to NRS 631.272 must deliver to the Board, at least 45 days before the meeting of the Board to consider the applicant for licensure, the documents listed in subsection 2 and proof that the applicant has actively practiced dentistry for the 5 years immediately preceding the date of submission of the application. If the applicant fails to deliver to the Board, at least 45 days before the meeting of the Board to consider the applicant for licensure, any of the documents required pursuant to this subsection, the Executive Director or the Secretary-Treasurer shall reject the application and inform the applicant that he or she is not eligible for consideration for licensure pursuant to NRS 631.272 until the next scheduled meeting of the Board.

4. Each applicant for licensure must, at least 45 days before the meeting of the Board to consider the applicant for licensure, pass an examination on the contents and interpretation of this chapter and chapter 631 of NRS. The examination will be given on the first Monday of each month. If the first Monday of the month is a legal holiday, the examination will be given on the first Tuesday of the month.

5. An applicant for licensure who wishes to use laser radiation in his or her practice of dentistry or dental hygiene must provide to the Board:

(a) A statement certifying that each laser that will be used by the licensee in the practice of dentistry or dental hygiene has been cleared by the Food and Drug Administration for use in dentistry; and

(b) Proof that he or she has successfully completed a course in laser proficiency that:

(1) Is at least 6 hours in length; and

(2) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035.

[Bd. of Dental Exam'rs, § III, eff. 7-21-82]-(NAC A 10-21-83; 12-15-87; 4-3-89; 9-6-96; R169-01, 4-5-2002; R139-05, 12-29-2005; R159-08, 4-23-2009)

NAC 631.031 Hearing to determine qualifications if claim of malpractice is pending disposition. (NRS 631.190, 631.230, 631.290)

1. The Executive Director or Secretary-Treasurer ~~shall~~ **may** notify the Board if the Executive Director or Secretary-Treasurer finds that an applicant for the issuance of a license pursuant to chapter 631 of NRS has a claim or complaint of malpractice that is filed against him or her and is pending disposition.

2. Except as otherwise provided in subsection 3, if the Board receives the notification described in subsection 1, the Board ~~will~~ **may** hold a hearing to determine the qualifications of the applicant to practice dentistry or dental hygiene, as applicable.

3. The Board may approve an application for the issuance of a license without holding a hearing pursuant to subsection 2 if the ~~Board~~ **(Executive Director or Secretary-Treasurer)** determines that the application contains sufficient information to support a decision to approve the application.

(Added to NAC by Bd. of Dental Exam'rs by R159-08, eff. 4-23-2009)

NAC 631.033 Use of laser radiation in practice: Documentation required with application for renewal of license. (NRS 631.190, 631.330) Each licensee who uses or wishes to use laser radiation in his or her practice of dentistry or dental hygiene must include with the application for renewal of his or her license:

1. A statement certifying that each laser used by the licensee in his or her practice of dentistry or dental hygiene has been cleared by the Food and Drug Administration for use in dentistry; and

2. Proof that he or she has successfully completed a course in laser proficiency that:

(a) Is at least 6 hours in length; and

(b) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035.

(Added to NAC by Bd. of Dental Exam'rs by R139-05, eff. 12-29-2005)

REVISER'S NOTE.

The regulation of the Board of Dental Examiners of Nevada filed with the Secretary of State on December 29, 2005 (LCB File No.

R139-05), the source of this section (section 2 of the regulation), contains the following provisions not included in NAC:

"Notwithstanding the provisions of section 2 of this regulation CNAC 631.0331, a licensee who, on December 29, 2005, is using laser radiation in his practice of dentistry or dental hygiene is not required to comply with the provisions of section 2 of this regulation fNAC 631.033]:

1. Until December 29, 2006; or
2. Until June 30 of the year in which his license is required to be renewed pursuant to NRS 631.330, E whichever occurs later."

NAC 631.035 Use of laser radiation in practice: Adoption by reference of *Curriculum Guidelines and Standards for Dental Laser Education*. (NRS 631.190)

1. The Board hereby adopts by reference the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by the Academy of Laser Dentistry. The *Curriculum Guidelines and Standards for Dental Laser Education* is available, free of charge, from the Academy of Laser Dentistry:

- (a) By mail, at P.O. Box 8667, Coral Springs, Florida 33075;
- (b) By telephone, at (954) 346-3776; or
- (c) At the Internet address http://www.laserdentistry.org/prof/edu_curriculumguidelines. cfm.

2. The Board will periodically review the *Curriculum Guidelines and Standards for Dental Laser Education* and determine within 30 days after the review whether any change made to those guidelines and standards is appropriate for application in this State. If the Board does not disapprove a change to an adopted guideline or standard within 30 days after the review, the change is deemed to be approved by the Board.

(Added to NAC by Bd. of Dental Exam'rs by R139-05, eff. 12-29-2005)

~~NAC 631.039 Application for permanent license by holder of temporary license.
(NRS~~

~~631.190 631.220, 631.272) — A person who wishes to apply for a permanent license to practice dentistry or dental hygiene after holding a temporary license to practice dentistry or dental hygiene for a minimum of 2 years pursuant to subsection 2 of NRS 631.272 or subsection 2 of NRS 631.273, as applicable, must submit to the Board proof that he or she actively practiced dentistry or dental hygiene in this State during the 2 years in which he or she held the temporary license. (REPEAL)~~

(Added to NAC by Bd. of Dental Exam'rs by R169-01, eff. 4-5-2002; A by R158-08, 12-17-2008)

NAC 631.045 Renewal of license: Certified statement required. (NRS 631.190) A licensed dentist who owns an office or facility where dental treatments are to be performed in this State must, on the application for renewal of his or her license, execute a certified statement that includes:

1. The location of each office or facility owned by the licensed dentist where dental treatments are to be performed;
2. The name and address of each employee, other than a licensed dentist or dental hygienist, who assists at the office or facility in procedures for infection control and the date the employee began to assist in procedures for infection control at the office or facility; and
3. A statement that each employee identified in subsection 2:
 - (a) Has received adequate instruction concerning procedures for infection control; and
 - (b) Is qualified to:

(1) Operate sterilization equipment and other equipment in compliance with the guidelines adopted by reference in NAC 631.178; and

- (2) Perform all other applicable activities in compliance with the guidelines adopted by reference in NAC 631.178.

4 The dentist shall conduct a minimum of two self queries to the Nevada State Board of Pharmacy Task Force regarding the issuance of controlled substances.

(Added to NAC by Bd. of Dental Exam'rs by R201-09, eff. 8-13-2010)

NAC 631.050 Rejection of application; reconsideration and review. (NRS 631.160, 631.190, 631.230, 631.260, 631.290)

1. If the Executive Director or Secretary-Treasurer finds that:

(3) Delivered to the Board less than the 45 days required before the examination pursuant to subsection 2 of NAC 631.030 or less than the 45 days required before the meeting of the Board to consider the applicant for licensure pursuant to subsection 3 of NAC 631.030; or

(b) The applicant has:

- (1) Provided incorrect information;
- (2) Not attained the scores required by chapter 631 of NRS; or
- (3) Not submitted the required fee,

the Executive Director or Secretary-Treasurer shall reject the application and return it to the applicant with the reasons for its rejection.

2. If the Executive Director or Secretary-Treasurer finds that an applicant has:

- (a) A felony conviction;
- (b) A misdemeanor conviction;
- (c) A malpractice judgment against him or her;
- (d) A history of substance abuse;

(e) Been refused permission to take an examination for licensure by this State, any other state or territory of the United States or the District of Columbia;

(t) Been denied licensure by this State, any other state or territory of the United States or the District of Columbia;

(g) Had his or her license to practice dentistry or dental hygiene suspended, revoked or placed on probation in this State, another state or territory of the United States or the District of Columbia;

(h) Not actively practiced dentistry or dental hygiene, as applicable, for 2 years or more before the date of the application to the Board;

(i) Had his or her practice of dentistry or dental hygiene subject to mandatory supervision in this State, another state or territory of the United States or the District of Columbia; or

(j) Received a public reprimand or is currently involved in any disciplinary action concerning his or her license to practice dentistry or dental hygiene in this State, another state or territory of the United States or the District of Columbia,

the Executive Director or Secretary-Treasurer may reject the application. If rejected, the application must be returned to the applicant with the reasons for its rejection.

3. If an application is rejected pursuant to subsection 2, the applicant may furnish additional relevant information to the Executive Director or Secretary-Treasurer, and request that the application be reconsidered. If an application is rejected following reconsideration by the Executive Director or Secretary-Treasurer, the applicant may petition the Board for a review of the application at the next regularly scheduled meeting of the Board.

[Bd. of Dental Exam'rs, § V, eff. 7-21-82]-(NAC A 4-3-89; 9-6-96; R003-99, 4-3-2000; R169-01, 4-5-2002; R158-08, 12-17-2008; R159-08, 4-23-2009)

~~**NAC 631.060 Reapplications.** (NRS 631.190, 631.220) An applicant who is denied licensure for a reason other than his or her failure to pass an examination may not reapply until he or she requests and receives the permission of the Board to do so. **REPEAL**~~

[Bd. of Dental Exam'rs, § VI, eff. 7-21-82]-(NAC A by R169-01, 4-5-2002)

NAC 631.070 Reconsideration of application following request for postponement of action. (NRS 631.190, 631.220)

1. If an applicant requests that the Board postpone its action on his or her application for licensure, he or she may later request the Board to reconsider the application. The request for reconsideration must be made on a form furnished by the Board.

2. If an applicant requests the Board to reconsider the application within 1 year after filing the original application for licensure, the Board will not require the applicant to submit another application for licensure unless the information contained in the original application has changed. The applicant must update the information in the original application by furnishing the Board with a supplement when subsequent changes have taken place.

[Bd. of Dental Exam'rs, § XI, eff. 7-21-82]-(NAC A 4-3-89; R169-01, 4-5-2002)

~~**NAC 631.080 Examination: Authorization required; cheating prohibited.** (NRS 631.190, 631.240, 631.300)~~

~~1. An applicant must have obtained the Board's written authorization before he or she may take the examination. He or she must take the examination at the times and places set forth in the authorization.~~

~~2. An applicant shall not use or possess any note or cheating aid during any part of the examination. Any use or possession of a test aid will result in a score of zero and is sufficient evidence of the applicant's unfitness to receive licensure. **REPEAL**~~

[Bd. of Dental Exam'rs, § VIII, eff. 7-21-82]-(NAC A 4-3-89; R169-01, 4-5-2002)

NAC 631.090 Examination for license to practice dentistry. (NRS 631.190, 631.240) Except as otherwise provided in NRS 622.090, in fulfillment of the statutory requirements of subparagraph (1) of paragraph (b) of subsection 1 of NRS 631.240, an applicant taking the clinical examination approved by the Board and the American Board of Dental Examiners must:

1. Pass the Dental Simulated Clinical Examination;
2. Demonstrate proficiency in endodontics as the organization administering the clinical examination requires;
3. Demonstrate proficiency in fixed prosthodontics as the organization administering the clinical examination requires;
4. Demonstrate proficiency in restorative dentistry as the organization administering the clinical examination requires;
5. Demonstrate proficiency in periodontics as the organization administering the clinical examination requires; and
6. Perform such other procedures as the Board requires.

[Bd. of Dental Exam'rs, § XII, eff. 7-21-82]-(NAC A 12-15-87; R169-01, 4-5-2002; R159-08, 4-23-2009)

NAC 631.100 Examination for license to practice dental hygiene. (NRS 631.190, 631.300) In fulfillment of the requirements of paragraph (b) of subsection 2 of NRS 631.300, the applicant must:

1. Perform an oral prophylaxis on patients, ~~the number to be determined by the Board~~, whose teeth have a sufficient amount of stain and calculus to permit the applicant to demonstrate the ability to remove any stain and calculus; and
2. Perform such other procedures as the Board requests.

[Bd. of Dental Exam'rs, § XIV, eff. 7-21-82]-(NAC A 7-31-85, eff. 8-1-85; 12-15-87; 9-6-96)

~~**NAC 631.120 Examinations: Procedure for practical portion.** (NRS 631.170, 631.190, 631.240, 631.300)~~

~~1. The practical part of the dentist's or dental hygienist's examination must be performed in the presence of a quorum of the examining members of the Board. Examiners appointed by the Board to conduct examinations pursuant to NRS 631.170 may be counted in determining whether a quorum is present as set forth in subsection 3 of NRS 631.170.~~

~~2. Each applicant must furnish his or her own patients, materials and instruments for the examination. The Board will furnish the dental chair and light.~~

~~3. At the end of each day of the practical part of the examination, the Board will collect and safely store all of the materials and work of each applicant. The materials and work will be returned at the beginning of the next day of the examination. The applicant is responsible for all of his or her equipment and instruments, except as otherwise directed by instructions given at the examination.~~

~~4. The applicant may not bring any study models or impressions into the examination room except as allowed by instructions given at the examination. **REPEAL**~~

[Bd. of Dental Exam'rs, § XIII, eff. 7-21-82]-(NAC A 4-3-89; R023-06, 9-18-2006)

NAC 631.130 Examinations: Requirements for successful completion; notice of results. (NRS 631.190, 631.240, 631.300)

1. To complete successfully ~~any an~~ examination ~~given by the Board~~, a person must:
 - (a) Receive a passing score in the applicable examination required by NRS 631.240 or 631.300; and
 - (b) Complete the entire examination.

~~2. The Board will mail each applicant a notice of the results of his or her examination.~~

[Bd. of Dental Exam'rs, § IX, eff. 7-21-82]-(NAC A 12-15-87; 7-22-88)

NAC 631.140 Reexaminations; completion of failed clinical demonstration. (NRS 631.190, 631.220, 631.240, 631.280, 631.300)

1. Except as otherwise provided in NRS 622.090, an applicant who does not pass all sections of the examination approved by the Board and the American Board of Dental Examiners may apply for a reexamination. The application must be made on a form furnished by the Board.

2. An applicant who does not pass the examination may not take another examination without completing such additional professional training as is required by the Board.

3. An applicant who does not pass the examination solely because he or she fails one of the demonstrations required pursuant to NAC 631.090 may, at the next scheduled examination, complete the remaining demonstration. If the applicant does not successfully complete the remaining demonstration at the next scheduled examination or within the timeline approved by the American Board of Dental Examiners for a person who takes the examination as part of an integrated curriculum, he or she must retake the entire examination.

4. For the purposes of NRS 631.280, an applicant who attempts to complete successfully a demonstration pursuant to subsection 3 shall not be deemed to have failed the examination twice if he or she fails to complete that demonstration successfully.

[Bd. of Dental Exam'rs, § X, eff. 7-21-82]-(NAC A 4-3-89; 9-6-96; R169-01, 4-5-2002; R159-08, 4-23-2009)

NAC 631.145 Dental hygienists: Expiration and renewal of special endorsement of license to practice public health dental hygiene. (NRS 631.190, 631.287)

1. A special endorsement of a license that allows a dental hygienist to practice public health dental hygiene issued by the Board ~~is valid for 1 year after the date of issuance~~ *may be renewed biennially*.

2. A dental hygienist may apply to renew the special endorsement of his or her license by submitting a report summarizing the services performed by the dental hygienist under the authority of the special endorsement in the prior year.

(Added to NAC by Bd. of Dental Exam'rs by R231-03, eff. 5-25-2004)

NAC 631.150 Filing of addresses of licensee; notice of change; display of license- (NRS 631.190, 631.350)

1. Each licensee shall file with the Board the addresses of his or her permanent residence and the office or offices where he or she conducts his or her practice.

2. Within 30 days after any change occurs in any of these addresses, the licensee shall give the Board a written notice of the change. The Board will impose a fine of \$50 if a licensee does not report such a change within 30 days after it occurs.

3. The licensee shall display his or her license or a copy thereof at each place where he or she practices.

[Bd. of Dental Exam'rs, § XVI, eff. 7-21-82]-(NAC A 9-6-96)

NAC 631.155 Licensee to notify Board of certain events. (NRS 631.190) Each licensee shall, within 30 days after the occurrence of the event, notify the Board in writing by certified mail of:

1. The death of a patient during the performance of any dental procedure;

2. Any unusual incident occurring in his or her dental practice which results in permanent physical or mental injury to a patient or requires the hospitalization of a patient;

3. The suspension or revocation of his or her license to practice dentistry or the imposition of a fine or other disciplinary action against him or her by any agency of another state authorized to regulate the practice of dentistry in that state;

4. The conviction of any felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State or the conviction of any violation of chapter 631 of NRS; or

5. The filing and service upon him or her of any claim or complaint of malpractice.

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85)

NAC 631.160 Voluntary surrender of license. (NRS 631.190)

1. If a licensee desires voluntarily to surrender his or her license, he or she may submit to the Board a sworn written surrender of the license accompanied by delivery to the Board of the certificate of registration previously issued to him or her. The Board may accept or reject the surrender of the license. If the Board accepts the surrender of the license, the surrender is absolute and irrevocable. The Board will notify any agency or person of the surrender as it deems appropriate.

2. The voluntary surrender of a license does not preclude the Board from hearing a complaint for disciplinary action filed against the licensee.

[Bd. of Dental Exam'rs, § XX, eff. 7-21-82]

NAC 631.170 Placement of license on inactive, retired or disabled status; reinstatement. (NRS 631.190, 631.335)

1. A licensee may request the Board to place his or her license in an inactive or retired status. Such a request must be made in writing and before the license expires.

2. The Secretary-Treasurer may reinstate an inactive license upon the written request of an inactive licensee who has maintained an active license and practice outside this State during the time his or her Nevada license was inactive. To reinstate the license, such an inactive licensee must:

- (a) Pay the appropriate renewal fees;
- (b) Provide a list of his or her employment during the time the license was inactive;
- (c) Report all claims of malpractice, unprofessional conduct or professional incompetence against him or her or any violation of the law which he or she may have committed, including administrative disciplinary charges brought by any other jurisdiction;
- (d) Report any appearance he or she may have made before a peer review committee;
- (e) Submit proof of his or her completion of an amount of continuing education, prorated as necessary, for the year in which the license is restored to active status;
- (f) Provide certification from each jurisdiction in which he or she currently practices that his or her license is in good standing and that no proceedings which may affect that standing are pending;
- (g) Satisfy the Secretary-Treasurer that he or she is of good moral character; and

— (h) Provide any other information which the Secretary-Treasurer may require, before the license may be reinstated. In determining whether the licensee is of good moral character, the Secretary-Treasurer may consider whether the license to practice dentistry in another state has been suspended or revoked or whether the licensee is currently involved in any disciplinary action concerning the license in that state.

3. If a person whose license has been on inactive status for less than 2 years has not maintained an active license or practice outside this State, or if a person's license has been on retired status for less than 2 years, he or she must submit to the Board:

- (a) Payment of the appropriate renewal fees;
- (b) A written petition for reinstatement that has been signed and notarized;
- (c) Proof of his or her completion of an amount of continuing education, prorated as necessary, for the year in which the license is restored to active status; and
- (d) A list of his or her employment, if any, during the time the license was on inactive or retired status,

before the license may be reinstated.

4. If a person whose license has been on inactive status for 2 years or more has not maintained an active license or practice outside this State, or if a person's license has been on retired status for 2 years or more, he or she must:

- (a) Satisfy the requirements set forth in paragraphs (a) to (d), inclusive, of subsection 3; and
- (b) Pass such additional examinations for licensure as the Board may prescribe,

before the license may be reinstated.

5. If the license of a person has been placed on disabled status, the person must:

- (a) Satisfy the requirements of paragraphs (a), (b) and (c) of subsection 3;
- (b) Submit to the Board a list of his or her employment, if any, during the time the license was on disabled status;
- (c) Pass such additional examinations for licensure as the Board may prescribe; and
- (d) Submit to the Board a statement signed by a licensed physician setting forth that the person is !);hie, mentally and physically, to practice dentistry,

before the license may be reinstated.

[Bd. of Dental Exam'rs, § XV, eff. 7-21-82]-(NAC A 4-3-89; 11-28-90; 9-6-96; R004-99, 4-3-2000)

NAC 631.173 Continuing education: Required hours; types of courses and activities; approval of provider or instructor. (NRS 631.190, 631.342)

1. Each dentist licensed to practice in this State must annually complete at least 20 hours of instruction in approved courses of continuing education or biennially complete at least 40 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set

forth in NRS 631.330 for the type of license held by the dentist. Hours of instruction may not be transferred or carried over from one licensing period to another.

2. Each dental hygienist licensed to practice in this State must annually complete at least 15 hours of instruction in approved courses of continuing education or biennially complete at least 30 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist. Hours of instruction may not be transferred or carried over from one licensing period to another.

3. In addition to the hours of instruction prescribed in subsections 1 and 2, each dentist and dental hygienist must maintain current certification in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life. Any course taken pursuant to this subsection must be taught by a certified instructor.

4. Any provider of or instructor for a course in continuing education relating to the practice of dentistry or dental hygiene which meets the requirements of this section must be approved by the Board, unless the course is for training in cardiopulmonary resuscitation or is approved by:

- (a) The American Dental Association or the societies which are a part of it;
- (b) The American Dental Hygienists' Association or the societies which are a part of it;
- (c) The Academy of General Dentistry;
- (d) Any nationally recognized association of dental or medical specialists;
- (e) Any university, college or community college, whether located in or out of Nevada; or
- (f) Any hospital accredited by The Joint Commission.

5. To be approved as a provider of a course in continuing education, the instructor of the course must complete a form provided by the Board and submit it to the Board for review by a committee appointed by the Board not later than 45 days before the beginning date of the course. Upon receipt of the form, the committee shall, within 10 days after receiving the form, approve or disapprove the application and inform the applicant of its decision.

6. Study by group may be approved for continuing education if the organizer of the group complies with the requirements of subsection 5 and furnishes the Board with a complete list of all members of the group, a synopsis of the subject to be studied, the time, place and duration of the meetings of the group, and the method by which attendance is recorded and authenticated.

7. Credit may be allowed for attendance at a meeting or a convention of a dental and dental hygiene society.

8. Credit may be allowed for courses completed at home which are taught through correspondence or videocassettes.

9. Credit may be allowed for dental and dental hygiene services provided on a voluntary basis to nonprofit agencies and organizations approved by the Board.

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85; A 12-15-87; 9-6-96; R231-03, 5-25-2004; R063-05, 12-29-2005; R1 59-08, 4-23-2009)

NAC 631.175 Continuing education: Approved subjects; minimum requirements for clinical subjects; maximum credit for certain types of courses and activities. (NRS 631.190, 631.342)

1. Approved subjects for continuing education in dentistry and dental hygiene are:

(a) Clinical subjects, including, without limitation:

- (1) Dental and medical health;
- (2) Preventive services;
- (3) Dental diagnosis and treatment planning; and

(4) Dental clinical procedures, including corrective and restorative oral health procedures and basic dental sciences, dental research and new concepts in dentistry; and

(b) Nonclinical subjects, including, without limitation:

- (1) Dental practice organization and management;
- (2) Patient management skills;
- (3) Methods of health care delivery; and
- (4) Teaching methodology.

2. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist must annually complete at least 15 hours in clinical subjects approved pursuant to subsection 1 or biennially complete at least 30 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist.

3. In completing the hours of continuing education required pursuant to NAC 631.173, a dental hygienist must annually complete at least 12 hours in clinical subjects approved pursuant to subsection 1

or biennially complete at least 24 hours in clinical subjects approved pursuant to subsection 1, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental hygienist.

4. In completing the hours of continuing education required pursuant to NAC 631.173, a dentist or dental hygienist must annually complete at least 2 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178 or biennially complete at least 4 hours in the clinical subject of infection control in accordance with the provisions of the guidelines adopted by reference in NAC 631.178, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dentist or dental hygienist.

5. The Board will credit, as a maximum in any one year of an annual or biennial licensing period, the following number of hours of instruction for the following types of courses or activities:

(a) For approved study by a group, 3 hours.

(b) For attendance at a meeting or convention of a dental or dental hygiene society, 1 hour for each meeting, but not more than 3 hours, exclusive of hours of continuing education offered in conjunction with the meeting.

(c) For courses completed in the home through correspondence or videocassettes, 6 hours.

(d) For all other courses conducted by an approved instructor, the number of hours completed by the dentist or dental hygienist.

(e) For approved dental or dental hygiene services provided in approved nonprofit settings, 6 hours, except that not more than 3 hours will be allowed for any day of volunteer services provided.

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85; A 12-15-87; 4-3-89; 9-6-96; R231-03, 5-25-2004; R063-05, 12-29-2005; R149-06, 9-18-2006; R159-08, 4-23-2009; R201-09, 8-13-2010)

NAC 631.177 Continuing education: Renewal or reinstatement of license; records; unprofessional conduct; audits. (NRS 631.190, 631.330, 631.335, 631.342)

1. When requesting a renewal or reinstatement of his or her license, each:

(a) Dentist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I,, hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 20 approved hours of instruction in continuing education during the period July 1,, through and including June 30,, I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this (day) of (month) of (year)

Signature of Dentist

(b) Dental hygienist shall submit a signed, written statement in substantially the following language for each year since his or her last renewal:

I,, hereby certify to the Board of Dental Examiners of Nevada that I have obtained at least 15 approved hours of instruction in continuing education during the period July 1,, through and including June 30,, I also certify to the Board of Dental Examiners of Nevada that I am currently certified in administering cardiopulmonary resuscitation or another medically acceptable means of maintaining basic bodily functions which support life.

Dated this (day) of (month) of (year)

Signature of Dental Hygienist

(c) Dentist or dental hygienist shall submit proof of his or her current certification in administering cardiopulmonary resuscitation or other medically acceptable means of maintaining basic bodily functions which support life.

2. Legible copies of all receipts, records of attendance, certificates and other evidence of attendance by a dentist or dental hygienist at an approved course in continuing education must be retained by the dentist or dental hygienist and made available to the Board for inspection or copying for 3 years after attendance at the course is submitted to meet the continuing education requirements of the Board. Proof

of attendance and completion of the required credit hours of instruction must be complete enough to enable the Board to verify the attendance and completion of the course by the dentist or dental hygienist and must include at least the following information:

- (a) The name and location of the course;
- (b) The date of attendance;
- (c) The name, address and telephone number of its instructor;
- (d) A synopsis of its contents; and
- (e) For courses designed for home study, the number assigned to the provider by the Board at the time the course was approved and the name, address and telephone number of the producer or author of the course.

3. The third or subsequent failure of a dentist and dental hygienist to obtain or file proof of completion of the credit hours of instruction required by this section and NAC 631.173 and 631.175 is unprofessional conduct.

4. The Board will conduct random audits of dentists or dental hygienists to ensure compliance with the requirements of this section and NAC 631.173 and 631.175.

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-16-85; A 12-15-87; 4-3-89; 9-6-96; R231-03, 5-25-2004; R159-08, 4-23-2009)

NAC 631.178 Adoption by reference of certain guidelines; compliance with guidelines required. (NRS 631.190)

1. Each person who is licensed pursuant to the provisions of chapter 631 of NRS shall comply with:

(a) The provisions of the *Guidelines for Infection Control in Dental Health-Care Settings-2003* adopted by the Centers for Disease Control and Prevention which is hereby adopted by reference. The publication is available, free of charge, from the Centers for Disease Control and Prevention at the Internet address <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5217a1.htm>; and

(b) As applicable to the practice of dentistry, the provisions of the *Guideline for Disinfection and Sterilization in Healthcare Facilities, 2008*, adopted by the Centers for Disease Control and Prevention which is hereby adopted by reference. The publication is available, free of charge, from the Centers for Disease Control and Prevention at the Internet address http://www.cdc.gov/ncidod/dhqp/pdf/guidelines/Disinfection_Nov_2008.pdf.

2. The Board will periodically review the guidelines adopted by reference in this section and determine within 30 days after the review whether any change made to the guidelines is appropriate for application in this State. If the Board does not disapprove a change to the guidelines within 30 days after the review, the change is deemed to be approved by the Board.

(Added to NAC by Bd. of Dental Exam'rs, eff. 9-6-96; A by R025-05, 11-17-2005; R201-09, 8-13-2010)

NAC 631.1785 Licensed dentist to request initial inspection of office or facility. (NRS 631.190, 631.363)

1. Not later than 30 days after a licensed dentist becomes the owner of an office or facility in this State where dental treatments are to be performed, other than a medical facility as defined in NRS 449.0151, the licensed dentist must request in writing that the Board conduct an initial inspection of the office or facility to ensure compliance with the guidelines adopted by reference in NAC 631.178.

2. Not later than 90 days after receiving a written request pursuant to subsection 1:

- (a) The Executive Director shall assign agents of the Board to conduct the inspection; and
- (b) The agents shall conduct the inspection.

3. Not later than 30 days after agents of the Board have completed the initial inspection of an office or facility to ensure compliance with the guidelines adopted by reference in NAC 631.178, the agents shall issue a report to the Executive Director indicating whether the office or facility is equipped in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the office or facility:

(a) Is equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(b) Is not equipped in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice which identifies

deficiencies to the licensed dentist who owns the office or facility.

4. Not later than 72 hours after issuing a written notice of deficiencies pursuant to paragraph (b) of subsection 3:

(a) The Executive Director shall assign agents of the Board to conduct a reinspection of the office or facility to determine if the licensed dentist and the personnel supervised by the dentist have taken corrective measures; and

(b) The agents assigned pursuant to paragraph (a) shall conduct the reinspection and issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel supervised by the dentist:

(1) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(2) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director may, without any further action by the Board, issue an order to the licensed dentist who owns the office or facility and all other licensees employed at the office or facility that any or all of those licensees or personnel must immediately cease and desist from performing dental treatments and that some or all dental treatments must cease to be performed at the office or facility until a hearing is held before the Board. The hearing before the Board must be convened not later than 30 days after the Executive Director issues the order to cease and desist.

(Added to NAC by Bd. of Dental Exam'rs by R201-09, eff. 8-13-2010)

NAC 631.179 Random inspection of office or facility; subsequent action by Executive Director.
(NRS 631.190, 631.363)

1. The Executive Director may assign agents of the Board to conduct a random inspection of an office or facility in this State where dental treatments are to be performed to ensure that the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. Random inspections conducted pursuant to this subsection may be conducted during normal business hours without notice to the licensed dentist who owns the office or facility to be inspected.

2. Not later than 30 days after agents of the Board have completed a random inspection of an office or facility in this State where dental treatments are to be performed to ensure compliance with the guidelines adopted by reference in NAC 631.178, the agents shall issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel supervised by the dentist:

(a) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(b) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice which identifies deficiencies to the licensed dentist who owns the office or facility.

3. Not later than 72 hours after a licensed dentist receives a written notice of deficiencies issued pursuant to paragraph (b) of subsection 2:

(a) The Executive Director shall assign agents of the Board to conduct a reinspection of the office or facility to determine if the licensed dentist and the personnel supervised by the dentist have taken corrective measures; and

(b) The agents assigned pursuant to paragraph (a) shall conduct the reinspection and issue a report to the Executive Director indicating whether the licensed dentist and the personnel supervised by the dentist are in compliance with the guidelines adopted by reference in NAC 631.178. If the report indicates that the licensed dentist and the personnel supervised by the dentist:

(1) Are in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director shall, without any further action by the Board, issue a written notice of the agents' findings to the licensed dentist who owns the office or facility.

(2) Are not in compliance with the guidelines adopted by reference in NAC 631.178, the Executive Director may, without any further action by the Board, issue an order to the licensed dentist who owns the office or facility and all other licensees employed at the office or facility that any or all of those licensees or personnel must immediately cease and desist from

performing dental treatments and that some or all dental treatments must cease to be performed at the office or facility until a hearing is held before the Board. The hearing before the Board must be convened not later than 30 days after the Executive Director issues the order to cease and desist.

4. Pursuant to subsection 3 of NRS 233B.127, if a random inspection of an office or facility conducted pursuant to this section indicates that the public health, safety or welfare imperatively requires emergency action, the President of the Board may, without any further action by the Board, issue an order of summary suspension of the license of the licensed dentist who owns the office or facility and the licenses of any or all of the other licensees employed at the office or facility pending proceedings for revocation or other action. An order for summary suspension issued by the President of the Board must contain findings of the exigent circumstances which warrant the issuance of the order for summary suspension. The President of the Board shall not participate in any further proceedings relating to the order.

(Added to NAC by Bd. of Dental Exam'rs by R201-09, eff. 8-13-2010)

NAC 631.1795 Provisions governing inspections do not preclude Board from initiating disciplinary proceedings. (NRS 631.190) Nothing in NAC 631.1785 and 631.179 prevents the Board from initiating disciplinary proceedings or additional disciplinary proceedings against a licensed dentist who owns an office or facility in this State where dental treatments are to be performed or against other licensees or personnel of the office or facility for failure to comply with the guidelines adopted by reference in NAC 631.178.

(Added to NAC by Bd. of Dental Exam'rs by R201-09, eff. 8-13-2010)

~~NAC 631.180 Employment as an instructor. (NRS 631.190)~~

~~1. Except as otherwise provided in subsection 2, a dentist or dental hygienist who currently holds an active license from another jurisdiction in the United States may be employed in this State in an accredited educational institution to instruct the students of the institution.~~

~~2. The dentist or dental hygienist must apply for and successfully complete the appropriate examination for licensure administered by the Board within 1 year after the date of his or her employment to retain the right to be so employed. **REPEAL**~~

[Bd. of Dental Exam'rs, § XXVIII, eff. 7-21-82]-(NAC A by R169-01, 4-5-2002)

NAC 631.190 Specialties. (NRS 631.190, 631.250, 631.255) The only specialties for which the Board will issue licenses are:

1. Oral and maxillofacial pathology;
2. Oral and maxillofacial surgery;
3. Orthodontia;
4. Periodontia;
5. Prosthodontia;
6. Pediatric dentistry;
7. Endodontia;
8. Public health; and
9. Oral and maxillofacial radiology.

[Bd. of Dental Exam'rs, § XXI, eff. 7-21-82]-(NAC A 10-7-85; R158-08, 12-17-2008)

NAC 631.200 Delegation of duty to supervise dental hygienists and dental assistants. (NRS 631.190, 631.313) The supervisory duties prescribed in NRS 631.313 may be delegated by one licensed dentist to another.

[Bd. of Dental Exam'rs, § XXIV, eff. 7-21-82]-(NAC A 12-15-87)

NAC 631.210 Dental hygienists: Authorization to perform certain services; referral of patient to authorizing dentist for certain purposes. (NRS 631.190, 631.310, 631.313, 631.317)

1. A dentist who is licensed in this State may authorize a dental hygienist in his or her employ to:

(a) Remove stains, deposits and accretions, including dental calculus.

(b) Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish

a restoration. As used in this paragraph, "oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes the removal of calculus, soft deposits, plaques and stains and the smoothing of unattached tooth surfaces in order to create an environment in which hard and soft tissues can be maintained in good health by the patient.

(c) Provide dental hygiene care that includes:

(1) Assessment of the oral health of patients through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of patients.

(2) Development and implementation of a dental hygiene care plan to address the oral health needs and problems of patients described in subparagraph (1).

(3) Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan described in subparagraph (2) in order to identify the subsequent treatment, continued care and referral needs of the patient.

(d) Take the following types of impressions:

(1) Those used for the preparation of diagnostic models;

(2) Those used for the fabrication of temporary crowns or bridges; and

(3) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.

(e) Perform subgingival curettage.

(f) Expose radiographs.

(g) Place and remove a periodontal pack.

(h) Remove excess cement from cemented restorations and orthodontic appliances. A dental hygienist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.

(i) Train and instruct persons in the techniques of oral hygiene and preventive procedures.

(j) Recement and repair temporary crowns and bridges.

(k) Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.

(l) Place a temporary restoration with nonpermanent material as a palliative treatment.

(m) Administer local intraoral chemotherapeutic agents in any form except aerosol, including, but not limited to:

(1) Antimicrobial agents;

(2) Fluoride preparations;

(3) Topical antibiotics;

(4) Topical anesthetics; and

(5) Topical desensitizing agents.

(n) Apply pit and fissure sealant to the dentition for the prevention of decay.

E Before performing any of the services set forth in this subsection, the dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services are to be performed and the patient must have been examined by that dentist not more than 18 months before the services are to be performed. After performing any of the services set forth in this subsection, the dental hygienist shall refer the patient to the authorizing dentist for follow-up care or any necessary additional procedures that the dental hygienist is not authorized to perform.

2. A dentist who is licensed in this State may authorize a dental hygienist in his or her employ and under his or her supervision to:

(a) Remove sutures.

(b) Place and secure orthodontic ligatures.

(c) Fabricate and place temporary crowns and bridges.

(d) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental hygienist to perform this procedure.

(e) Perform nonsurgical cytologic testing.

(f) Apply and activate agents for bleaching teeth with a light source.

(g) Use a laser that has been cleared by the Food and Drug Administration to perform intrasulcular periodontal procedures or tooth whitening procedures if:

(1) The use of such a laser for those purposes is within the scope of the education, experience and training of the dental hygienist;

(2) Before operating the laser, the dental hygienist has provided proof to the supervising dentist

that the dental hygienist has successfully completed a course in laser proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035; and

(3) The supervising dentist has successfully completed a course in laser proficiency that:

(I) Is at least 6 hours in length; and

(II) Is based on the *Curriculum Guidelines and Standards for Dental Laser Education*, adopted by reference pursuant to NAC 631.035.

E The dental hygienist must obtain authorization from the licensed dentist of the patient on whom the services authorized pursuant to this subsection are to be performed.

3. If a dentist who is licensed in this State has in his or her employ and under his or her supervision a dental hygienist who has:

(a) Successfully completed a course of continuing education in the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, which has been approved by the Board; or

(b) Graduated from an accredited program of dental hygiene which includes the administering of local anesthetics or nitrous oxide-oxygen analgesia, or both, in its curriculum,

E the dentist may authorize the dental hygienist to administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if the dental hygienist has received from the Board a certificate certifying the hygienist to this level of proficiency. The dental hygienist must obtain the authorization from the licensed dentist of the patient on whom the services are to be performed.

4. A dental hygienist in a health care facility may administer local intraoral chemotherapeutic agents and, if he or she has complied with paragraph (a) or (b) of subsection 3, may administer local anesthetics or nitrous oxide-oxygen analgesia, or both, as appropriate, if he or she first:

(a) Obtains written authorization from the licensed dentist of the patient to whom the local anesthetics, nitrous oxide-oxygen analgesia or local intraoral chemotherapeutic agents are to be administered; and

(b) Submits to the Secretary-Treasurer a written confirmation from the director of the health care facility that the facility has licensed medical personnel and necessary emergency supplies and equipment that will be available when the local anesthetics, nitrous oxide-oxygen analgesia or local intraoral chemotherapeutic agents are administered.

5. The Board may authorize a dental hygienist to perform the services set forth in paragraphs (a) to (n), inclusive, of subsection 1 without supervision by a dentist and without authorization from the licensed dentist of the patient on whom the services are to be performed, at a health facility, a school or a place in this State approved by the Board after the Board:

(a) Issues a special endorsement of the dental hygienist's license.

(b) Approves the treatment protocol submitted by the dental hygienist which includes an explanation of the methods that the dental hygienist will use to:

(I) Treat patients; and

(2) Refer patients to a dentist for:

(I) Follow-up care;

(II) Diagnostic services; and

(III) Any service that the dental hygienist is not authorized to perform.

6. The Board may revoke the authorization described in subsection 5 if the:

(a) Dental hygienist fails to renew his or her license or it is cancelled, suspended or revoked;

(b) Board receives a complaint filed against the dental hygienist;

(c) Dental hygienist commits an act which constitutes a cause for disciplinary action; or

(d) Dental hygienist violates any provision of this chapter or chapter 631 of NRS.

E Nothing in this subsection prohibits a dental hygienist from reapplying for authorization to perform the services described in subsection 5 if the Board revokes the authorization pursuant to this subsection.

7. As used in this section:

(a) "Health care facility" has the meaning ascribed to it in NRS 162A.740.

(b) "Health facility" has the meaning ascribed to it in subsection 6 of NRS 449.260.

(c) "School" means an elementary, secondary or postsecondary educational facility, public or private, in this State.

[Bd. of Dental Exam'rs, § XXIII, eff. 7-21-82]-(NAC A 7-30-84; 4-3-89; 3-11-96; R154-97, 1-14-98; R217-99, 4-3-2000; R231-03, 5-25-2004; R139-05, 12-29-2005)

NAC 631.220 Dental assistants: Authorization to perform certain services; supervision by

dental hygienist for certain purposes. (NRS 631.190, 631.313, 631.317)

1. A dentist who is licensed in the State of Nevada may authorize a dental assistant in his or her employ and under his or her supervision only to do one or more of the following:

- (a) Expose radiographs.
- (b) Retract a patient's cheek, tongue or other tissue during a dental operation.
- (c) Remove the debris that normally accumulates during or after a cleaning or operation by the dentist by using mouthwash, water, compressed air or suction.
- (d) Place or remove a rubber dam and accessories used *for* its placement.
- (e) Place and secure an orthodontic ligature.
- (f) Remove sutures.
- (g) Place and remove a periodontal pack.
- (h) Remove excess cement from cemented restorations and orthodontic appliances. A dental assistant may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.
- (i) Administer a topical anesthetic in any form except aerosol.
- (j) Train and instruct persons in the techniques of oral hygiene and preventive procedures.
- (k) Take the following types of impressions:
 - (1) Those used for the preparation of diagnostic models;
 - (2) Those used for the preparation of counter or opposing models;
 - (3) Those used for the fabrication of temporary crowns or bridges; and
 - (4) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.
- (l) Fabricate and place temporary crowns and bridges. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.
- (m) Retract gingival tissue if the retraction cord contains no medicaments that have potential systemic side effects.
- (n) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist or dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.
- (o) Administer a topical fluoride.
- (p) Apply pit and fissure sealant to the dentition for the prevention of decay. This procedure must be checked and approved by the supervising dentist before dismissal of the patient from the office of the dentist.
- (q) Fit orthodontic bands and prepare teeth for orthodontic bands if the bands are cemented or bonded, or both, into the patient's mouth by the dentist who authorized the dental assistant to perform this procedure.

2. A dentist who is licensed in the State of Nevada may authorize a dental hygienist to supervise a dental assistant in the assistance of the hygienist's performance of one or more of the following:

- (a) Expose radiographs.
- (b) Retract a patient's cheek, tongue or other tissue during a dental operation.
- (c) Remove the debris that normally accumulates during or after a cleaning or operation by the dental hygienist by using mouthwash, water, compressed air or suction.
- (d) Train and instruct persons in the techniques of oral hygiene and preventive procedures.
- (e) Remove soft plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with a rubber cup or brush and a suitable polishing agent. A licensed dentist or dental hygienist shall determine that the teeth to be polished are free of calculus or other extraneous material.
- (f) Administer a topical fluoride.

3. A dental hygienist, who is authorized by the Board to perform the services described in subsection 5 of NAC 631.210, may authorize a dental assistant under his or her supervision to assist the hygienist in the performance of the services described in paragraphs (a) to (f), inclusive, of subsection 2.

[Bd. of Dental Exam'rs, § XXII, eff. 7-21-82]-(NAC A 10-21-83; 10-7-85; 4-3-89; 3-11-96; R051-04, 8-25-2004)

CONTINUING EDUCATION: REGISTERED FACILITIES

NAC 631.2203 "Registered facility" defined. (NRS 631.190, 631.2715) As used in NAC 631.2203 to 631.2207, inclusive, "registered facility" means a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry.

(Added to NAC by Bd. of Dental Exam'rs by R200-09, eff. 8-13-2010)

NAC 631.2204 Registration required before providing continuing education. (NRS 631.190, 631.2715) Pursuant to the provisions of NRS 631.2715, an institute or organization must, on the form prescribed by NAC 631.2205, register with the Board a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry before providing that postgraduate continuing education.

(Added to NAC by Bd. of Dental Exam'rs by R200-09, eff. 8-13-2010)

NAC 631.2205 Contents of form for registration to provide continuing education. (NRS 631.190, 631.2715)

1. A form for registration of a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry will be prescribed and furnished by the Board.

2. The form will include, without limitation:

(a) The name of each individual or entity who owns or operates the institute or organization that is registering the facility;

(b) The type of facility;

(c) The location of the facility; and

(d) A notarized statement, executed by an owner or other person authorized on behalf of the institute or organization, that:

(1) The facility is a permanent facility for the sole purpose of providing postgraduate continuing education in dentistry;

(2) All courses of continuing education involving live patients will be supervised by dentists licensed in this State;

(3) Any person who is actively licensed as a dentist in another jurisdiction and who is treating a patient during a course of continuing education at the facility:

(I) Has previously treated the patient in the jurisdiction in which the person performing the treatment is licensed;

(II) Is treating the patient only during a course of continuing education at the facility; and

(III) Is treating the patient under the supervision of a person licensed under NRS 631.2715; and

(4) The institute or organization is in full compliance with:

(I) All applicable regulations of the State Board of Health;

(II) All applicable guidelines issued by the Centers for Disease Control and Prevention;

(III) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the administration of conscious sedation, deep sedation and general anesthesia; and

(IV) All applicable provisions of this chapter and chapter 631 of NRS, as they relate to the operation of radiographic equipment.

(Added to NAC by Bd. of Dental Exam'rs by R200-09, eff. 8-13-2010)

NAC 631.2206 Maintenance of records at registered facility. (NRS 631.190, 631.2715)

1. An institute or organization which provides courses of continuing education involving live patients and which is not accredited as defined in NRS 631.015 must:

(a) Maintain at its registered facility the following documentation:

(1) Copies of credentials and applications for employment for each person that is licensed under NRS 631.2715 and employed by the institute or organization to supervise courses of continuing education involving live patients at the registered facility;

(2) Documentation showing that a person who treated a patient during a course of continuing education at the registered facility was actively licensed as a dentist in another jurisdiction at the time of the treatment; and

(3) Consent forms prepared by each live patient treated during a course of continuing education at the registered facility;

(b) Maintain at its registered facility copies of health care records of live patients, which may be reviewed by the Board:

(1) Upon consent by the live patient to whom the records pertain; or

(2) As provided under NRS 629.061; and

(c) Display at its registered facility the limited licenses issued to persons to supervise courses of continuing education involving live patients at the registered facility.

2. The documents maintained pursuant to paragraph (a) of subsection 1 must be made available to

the Board during normal business hours.

(Added to NAC by Bd. of Dental Exam'rs by R200-09, eff. 8-13-2010)

~~NAC 631.2207 Application for limited license to supervise courses of continuing education. (NRS 631.190, 631.215, 631.2715) An applicant for a limited license to supervise courses of continuing education involving live patients at a registered facility must provide the following information and documentation in his or her application:~~

- ~~1. The date and place of his or her birth;~~
- ~~2. Certification of graduation from an accredited dental school or college or from an accredited school or college of dental hygiene, whichever is applicable;~~
- ~~3. Whether the applicant has applied for similar licensure in another state or territory of the United States or the District of Columbia and, if so, the name of the state or territory or the District of Columbia, the date and the result of the application;~~
- ~~4. If the applicant has practiced dentistry or dental hygiene in another state or territory of the United States or the District of Columbia, certification from the licensing authority of each state or territory or the District of Columbia in which the applicant has practiced or is practicing that the applicant is in good standing and that there are not any disciplinary proceedings pending against the applicant in the other state or territory or the District of Columbia which may affect his or her standing;~~
- ~~5. Whether the applicant has terminated or attempted to terminate a license from another state or territory of the United States or the District of Columbia and, if so, his or her reasons for doing so;~~
- ~~6. If the applicant is not a natural born citizen of the United States, a copy of his or her certificate of naturalization or other document attesting that the applicant is legally eligible to reside and work in the United States;~~
- ~~7. Whether the applicant has ever been convicted of a crime involving moral turpitude or has entered a plea of nolo contendere to a charge of such a crime and, if so, the date and place of the conviction or plea and the sentence, if any, which was imposed;~~
- ~~8. Whether the applicant has had any misdemeanor or felony convictions and, if so, any documents relevant to the misdemeanor or felony convictions;~~
- ~~9. Whether any malpractice judgment has been entered against the applicant and, if so, any documents relevant to the malpractice judgment;~~
- ~~10. Whether the applicant has a history of substance abuse and, if so, any documents relevant to the substance abuse;~~
- ~~11. Whether the applicant has been refused permission to take an examination for licensure by any other state or territory of the United States or the District of Columbia and, if so, any documents relevant to the refusal;~~
- ~~12. Whether the applicant has been denied licensure by this State, any other state or territory of the United States, or the District of Columbia, and, if so, any documents relevant to the denial;~~
- ~~13. Whether the applicant has had his or her license to practice dentistry or dental hygiene suspended, revoked or placed on probation in this State, another state or territory of the United States, or the District of Columbia, and, if so, any documents relevant to the suspension, revocation or probation;~~
- ~~14. Whether the applicant's practice of dentistry or dental hygiene has been subject to mandatory supervision in this State, another state or territory of the United States, or the District of Columbia, and, if so, any documents relevant to the mandatory supervision;~~
- ~~15. Whether the applicant has received a public reprimand or is currently involved in any disciplinary action concerning his or her license to practice dentistry or dental hygiene in this State, another state or territory of the United States, or the District of Columbia and, if so, any documents relevant to the reprimand or disciplinary action; and~~
- ~~16. Two sets of certified fingerprint cards and an authorization form allowing the Board to submit the fingerprint forms to law enforcement agencies for verification of background information. **REPEAL**~~

ADMINISTRATION OF GENERAL ANESTHESIA, CONSCIOUS SEDATION OR DEEP SEDATION

NAC 631.2211 Scope. (NRS 631.190, 631.265) NAC 631.2213 to 631.2256, inclusive, do not apply to the administration of:

1. Local anesthesia;
2. Nitrous oxide-oxygen analgesia, if the delivery system for the nitrous oxide-oxygen contains a mechanism which guarantees that an oxygen concentration of at least 25 percent will be administered to

the patient at all times during the administration of the nitrous oxide; and

3. Oral medication that is administered to a patient to relieve anxiety in the patient, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to the state produced pursuant to the administration of general anesthesia, deep sedation or conscious sedation.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by ROOS-99, 9-7-2000)

NAC 631.2212 Board to determine degree of sedation. (NRS 631.190, 631.265) In a proceeding of the Board at which the Board must determine the degree of sedation or level of consciousness of a patient, the Board will base its findings on:

1. The type and dosage of medication that was administered or is proposed for administration to the patient; and

2. The degree of sedation or level of consciousness that should reasonably be expected to result from that type and dosage of medication.

(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000)

NAC 631.2213 Permit required; qualifications of applicants. (NRS 631.190, 631.265)

1. Except as otherwise set forth in NAC 631.221 lto 631.2256, inclusive, no dentist may:

(a) Use general anesthesia or deep sedation for dental patients, except in a facility accredited by The Joint Commission, unless he or she first obtains a general anesthesia permit; or

(b) Use conscious sedation for dental patients, except in a facility accredited by The Joint Commission, unless he or she first obtains a general anesthesia permit or conscious sedation permit.

E A separate general anesthesia permit or conscious sedation permit, as appropriate, is required for each location at which a dentist administers general anesthesia, deep sedation or conscious sedation.

2. To obtain a general anesthesia permit or conscious sedation permit, a dentist must apply to the Board for such a permit on a form prescribed by the Board, submit any fees that are set by the Board pursuant to NRS 631.345 and produce evidence showing that he or she is a dentist who is licensed in this State, and:

(a) For a conscious sedation permit, the applicant must show evidence of:

(I) The completion of a course of study, subject to the approval of the Board, of not less than 60 hours dedicated exclusively to the administration of conscious sedation, and the successful management of the administration of conscious sedation to not less than 20 patients; or

(2) The completion of a program for specialty training which is approved by the Commission on Dental Accreditation of the American Dental Association and which includes education and training in the administration of conscious sedation that is equivalent to the education and training described in subparagraph (I) and completion of an Advanced Cardiac Life Support course given by the American Heart Association or, if licensed as a specialist in pediatric dentistry, completion of a Pediatric Advanced Life Support course given by the American Heart Association.

(b) For a general anesthesia permit, the applicant must show evidence of the completion of an Advanced Cardiac Life Support course given by the American Heart Association and:

(I) The completion of a program, subject to the approval of the Board, of advanced training in anesthesiology and related academic subjects beyond the level of undergraduate dental school in a training program as described in the *Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students*, published by the American Dental Association, 211 East Chicago Avenue, Chicago, Illinois 60611, and available, free of charge, at the Internet address http://www.ada.org/prof/resources/positions/statements/anxiety_guidelines.pdf; or

(2) The completion of a graduate program in oral and maxillofacial surgery which has been approved by the Commission on Dental Accreditation of the American Dental Association.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000; R159-08, 4-23-2009)

NAC 631.2217 Review of holder of permit; renewal of permit. (NRS 631.190, 631.265)

1. The holder of a general anesthesia permit or conscious sedation permit is subject to review by the Board at any time.

2. Each general anesthesia permit and conscious sedation permit must be renewed annually or biennially, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the holder of the permit.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000; R158-08, 12-17-2008)

NAC 631.2219 Inspection and evaluation; reevaluation. (NRS 631.190, 631.265)

1. The Board will require an inspection and evaluation of the facility, equipment, personnel, records of patients and the procedures used by every dentist who seeks or holds a general anesthesia permit or conscious sedation permit, and of the dentist himself or herself, before issuing such an original permit to the dentist, and at least once in every 5-year period thereafter.

2. The Board will renew general anesthesia permits and conscious sedation permits annually or biennially, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the holder of the permit, unless the holder is informed in writing, 60 days before the date for renewal, that a reevaluation of his or her credentials is required. In determining whether reevaluation is necessary, the Board will consider, among other factors, complaints by patients and reports of adverse occurrences. A reevaluation will, if appropriate, include an inspection of the facility, equipment, personnel, records of patients and the procedures used by the holder, and an examination of his or her qualifications.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A 7-30-84; R005-99, 9-7-2000; R158-08, 12-17-2008)

NAC 631.2221 Inspectors and evaluators; participation of members of Board. (NRS 631.190, 631.265)

1. When an inspection or evaluation is required to issue or renew a general anesthesia permit or conscious sedation permit, the Board will designate two or more persons, each of whom holds a general anesthesia permit or conscious sedation permit and has practiced general anesthesia, deep sedation or conscious sedation, as applicable, for a minimum of 3 years preceding his or her appointment, exclusive of his or her training in the administration of anesthesia or sedation. At least one of the inspectors or evaluators must have had experience in the evaluation of dentists using general anesthesia, deep sedation or conscious sedation, as applicable. At least one member of the inspection or evaluation team must have had substantial experience in the administration of the type of anesthesia contemplated for use by the dentist being evaluated and must hold the type of permit for which the dentist is applying.

2. Any member of the Board who is a dentist may observe or consult in any inspection or evaluation. A member of the Board who is not a dentist may be present at an observation but may not participate in any grading or evaluation resulting from the inspection or evaluation.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A 7-30-84; R005-99, 9-7-2000)

NAC 631.2223 Inspections and evaluations: General requirements. (NRS 631.190, 631.265)

An inspection or evaluation ordered by the Board must be conducted in all offices where general anesthesia, deep sedation or conscious sedation is to be administered and, except as otherwise required in NAC 631.2236, must consist of:

1. An evaluation of the office's facilities and equipment, records and emergency medications; and
2. A demonstration of:

(a) The administration to a patient who is receiving dental treatment of the type of anesthesia or sedation for which the dentist is applying for a permit;

(b) Simulated emergencies in the surgical area of the dental office with participation by the members of the staff who are trained to handle emergencies;

(c) A dental procedure utilizing the type of anesthesia or sedation for which the dentist is applying for a permit;

(d) Any anesthesia or sedation technique that is routinely employed during the administration of anesthesia or sedation;

(e) The appropriate monitoring of a patient during anesthesia or sedation; and

(f) The observation of a patient during recovery and the time allowed for recovery.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2225 Inspections and evaluations: Simulated emergencies. (NRS 631.190, 631.265)

A dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit or conscious sedation permit must meet the following minimum standards with regard to simulated emergencies. The dentist and his or her staff must demonstrate a knowledge of and a method of treatment for the following types of emergencies:

1. Airway obstruction laryngospasm;
2. Bronchospasm;
3. Emesis and aspiration of foreign material under anesthesia;
4. Angina pectoris;
5. Myocardial infarction;
6. Hypotension;
7. Hypertension;
8. Cardiac arrest;
9. Allergic reaction;
10. Convulsions;
11. Hypoglycemia;
12. Asthma;
13. Respiratory depression;
14. Allergy to or overdose from local anesthesia;
15. Hyperventilation syndrome; and
16. Syncope.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2227 Inspections and evaluations: Physical facilities and equipment. (NRS 631.190, 631.265) A dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit, conscious sedation permit or certificate of site approval must meet the following minimum standards with regard to physical facilities and equipment:

1. The operating theater must be large enough to accommodate the patient adequately on a table or in a dental chair and to allow an operating team consisting of at least three persons to move freely about the patient.

2. The operating table or dental chair must:

- (a) Allow the patient to be placed in a position such that the operating team can maintain the airway;
- (b) Allow the operating team to alter the patient's position quickly in an emergency; and
- (c) Provide a firm platform for the management of cardiopulmonary resuscitation.

3. The lighting system must be adequate to allow an evaluation of the patient's skin and mucosa! color. An alternate lighting system must derive its power from batteries and must be sufficiently intense to allow completion of any procedure underway at the time of a general power failure.

4. Suction equipment must be available that allows aspiration of the oral and pharyngeal cavities. An alternate suction device that will function effectively during a general power failure must be available.

5. A system for delivering oxygen must have adequate full-face masks and appropriate connectors, and be capable of delivering oxygen to the patient under positive pressure. An adequate alternate system for delivering oxygen is also required.

6. A recovery area must be provided that has available oxygen, adequate lighting, suction and electrical outlets. The recovery area may be the operating theater. A member of the staff must be able to observe the patient at all times during the recovery.

7. Except as otherwise provided in this subsection, ancillary equipment must include:

- (a) A laryngoscope complete with an adequate selection of blades and spare batteries and bulbs;
- (b) Endotracheal tubes and appropriate connectors;
- (c) Oral airways;
- (d) A tonsillar or pharyngeal suction tip adaptable to all office suction outlets;
- (e) An endotracheal tube type forcep;
- (f) A sphygmomanometer and stethoscope;
- (g) An electrocardioscope and defibrillator;
- (h) Adequate equipment for the establishment of an intravenous infusion; and
- (i) A pulse oximeter.

E A dentist's office inspected or evaluated for the issuance or renewal of a conscious sedation permit is not required to have the ancillary equipment described in paragraphs (a), (b), (e) and (g).

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2229 Inspections and evaluations: Records of patients. (NRS 631.190, 631.265) A

dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit, conscious sedation permit or certificate of site approval must meet the following minimum standards with regard to the records of patients:

1. Adequate medical history and records of physical evaluation.
2. Records of the administration of anesthesia must include:
 - (a) The patient's blood pressure and pulse;
 - (b) The names of the drugs and the amounts administered;
 - (c) The length of the procedure; and
 - (d) Any complications of anesthesia.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2231 Inspections and evaluations: Emergency drugs. (NRS 631.190, 631.265)
 Except as otherwise provided in this section, a dentist's office inspected or evaluated for the issuance or renewal of a general anesthesia permit, conscious sedation permit or certificate of site approval must maintain emergency drugs of the following categories which must be immediately available for use on the patient:

1. Vasopressor;
2. Corticosteroid;
3. Bronchodilator;
4. Muscle relaxant;
5. Intravenous medication for the treatment of cardiopulmonary arrest;
6. Appropriate drug antagonist;
7. Antihistaminic;
8. Anticholinergic;
9. Antiarrhythmic;
10. Coronary artery vasodilator;
11. Anti-hypertensive; and
12. Anti-convulsive.

E A dentist's office that is inspected or evaluated for the issuance or renewal of a conscious sedation permit is not required to maintain the emergency drugs described in subsections 4, 5, 9 and 11.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2233 Inspections and evaluations: Recommendations of inspectors or evaluators; decision of Board. (NRS 631.190, 631.265)

1. The persons performing an inspection or evaluation of a dentist's office for the issuance or renewal of a general anesthesia permit or conscious sedation permit shall grade the office as passing or failing. Within 10 days after completing the inspection or evaluation, each inspector or evaluator shall report his or her recommendation for passing or failing to the Board, setting forth the details supporting his or her conclusion. The Board is not bound by these recommendations.

2. The Board will make the final determination whether the office has passed or failed the inspection or evaluation and will notify the dentist whose office is the subject of the inspection or evaluation, in writing, of its findings within 30 days after the Board receives a recommendation from each inspector or evaluator who inspected or evaluated the office.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2235 Inspections and evaluations: Failure to pass; requests for reevaluations. (NRS 631.190, 631.265)

1. A dentist whose office the Board determines has failed the inspection or evaluation is not entitled to have a general anesthesia permit or conscious sedation permit issued or renewed.

2. A dentist who has received a notice of failure from the Board may, within 15 days after receiving the notice, request the Board in writing for a reevaluation. The request for a reevaluation must state specific grounds supporting it.

3. If the reevaluation is granted by the Board, it will be conducted by different persons in the manner set forth by NAC 631.2219 to 631.2233, inclusive, for an original evaluation.

4. No dentist who has received a notice of failing an inspection or evaluation from the Board may request more than one reevaluation within any period of 12 months.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2236 Certificate of site approval: General requirements. (NRS 631.190, 631.265)

1. A dentist who is licensed in this State may employ:

(a) An anesthesiologist who is licensed as such by the State of Nevada; or

(b) A dentist who is licensed in this State and who holds a general anesthesia permit or conscious sedation permit,

to administer general anesthesia, deep sedation or conscious sedation, as appropriate, to his or her patients at his or her office if he or she holds a certificate of site approval issued pursuant to this section.

2. A dentist who is licensed in this State and who desires to receive or renew a certificate of site approval must submit to the Board:

(a) An application for a certificate or for the renewal of a certificate, in a form approved by the Board;

(b) The fee for the inspection of a facility which is established by the Board pursuant to NRS 631.345; and

(c) Written documentation which demonstrates that the anesthesiologist or dentist who is to be employed to administer the general anesthesia, deep sedation or conscious sedation holds an appropriate license or permit issued by the appropriate board in this State to administer such anesthesia or sedation and, if the person to be employed is an anesthesiologist, that the anesthesiologist maintains unrestricted active staff privileges within the department of anesthesiology at a hospital or surgical center approved by The Joint Commission.

3. Upon receipt of an application pursuant to this section, the Board will appoint one of its members or a representative of the Board to inspect the office of the applicant to determine whether the office complies with the requirements set forth in NAC 631.2227, 631.2229 and 631.2231. The person conducting the inspection shall report his or her determination to the Board.

4. If the person conducting the inspection determines that the office of the applicant complies with the requirements of NAC 631.2227, 631.2229 and 631.2231 and the applicant has otherwise met the requirements of this section, the Executive Director shall issue a certificate of site approval to the applicant.

5. A holder of a certificate of site approval shall maintain the information described in paragraph (c) of subsection 2 at his or her office at all times.

6. Each certificate of site approval issued by the Board must be renewed annually or biennially, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the holder of the certificate.

7. The Board may reinspect the office of the holder of a certificate of site approval at any time.

(Added to NAC by Bd. of Dental Exam'rs by R005-99, eff. 9-7-2000; A by R231-03, 5-25-2004; R158-08, 12-17-2008; R159-08, 4-23-2009)

NAC 631.2237 Procedures required before administration of anesthetic or sedation. (NRS 631.190, 631.265)

1. Written consent of the patient must be obtained before the administration of a general anesthetic, deep sedation or conscious sedation, unless the dentist determines that an emergency situation exists in which delaying the procedure to obtain the consent would likely cause permanent injury to the patient. If the patient is a minor, the consent must be obtained from his or her parent or legal guardian.

2. A medical history must be taken before the administration of a general anesthetic, deep sedation or conscious sedation. A patient should be asked to describe any current medical conditions or treatments, including, without limitation, medications, drug allergies, impending or past operations and pregnancy, and to give other information that may be helpful to the person administering the anesthetic or sedation. The dentist is not required to make a complete medical examination of the patient and draw medical diagnostic conclusions. If a dentist suspects a medical problem and calls in a physician for an examination and evaluation, he or she may then rely upon that conclusion and diagnosis. Questions asked of and answers received from the patient must be permanently recorded and signed by the patient before the administration of any general anesthetic, deep sedation or conscious sedation, and this record must be a permanent part of the patient's record of treatment.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.2239 Properly equipped facility required; qualifications of auxiliary personnel. (NRS 631.190, 631.265)

1. A dentist using general anesthesia, deep sedation or conscious sedation shall maintain a properly equipped facility for the administration of the anesthesia or sedation which is staffed with supervised

auxiliary personnel who are capable of reasonably handling procedures, problems and emergencies incident thereto.

2. A dentist using general anesthesia, deep sedation or conscious sedation shall ensure that his or her auxiliary personnel are certified in basic cardiopulmonary resuscitation by the American Heart Association.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000)

NAC 631.224 Employment of certified registered nurse anesthetist. (NRS 631.190, 631.265)

1. Any dentist who holds a general anesthesia permit pursuant to the provisions of NAC 631.2211 to 631.2256, inclusive, may employ a certified registered nurse anesthetist to administer the general anesthesia, deep sedation or conscious sedation to a patient if the dentist is physically present and directly supervises the administration of the general anesthesia, deep sedation or conscious sedation to the patient. The holder of the permit must maintain at his or her office evidence in writing that the certified registered nurse anesthetist is licensed to practice in the State of Nevada and maintains unrestricted active staff privileges within the department of anesthesiology at a hospital or surgical center which is certified by The Joint Commission.

2. Except as otherwise provided in NAC 631.2236, a dentist who does not hold a general anesthesia permit may not allow any person to administer general anesthesia, deep sedation or conscious sedation to his or her patients unless the treatment is rendered within a facility approved by The Joint Commission.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-7-85; A by R005-99, 9-7-2000; R159-08, 4-23-2009)

NAC 631.2241 Report of injuries to patients. (NRS 631.190, 631.265) Each holder of a general anesthesia permit, conscious sedation permit or certificate of site approval shall submit to the Board a complete report regarding any mortality or unusual incident which occurs outside a facility accredited by The Joint Commission and produces permanent injury to a patient or requires the hospitalization of a patient, as a direct result of the administration of general anesthesia, deep sedation or conscious sedation. The report must be submitted within 30 days after the date of the incident. If a dentist fails to report any incident as required by this section, his or her permit may be revoked.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R005-99, 9-7-2000; R159-08, 4-23-2009)

NAC 631.2254 Temporary permits. (NRS 631.190, 631.265)

1. The Board may grant a temporary permit to administer general anesthesia and deep sedation or a temporary permit to administer conscious sedation to an applicant who meets the qualifications for a permit to administer that type of anesthesia or sedation pursuant to NAC 631.2213.

2. A temporary permit is valid for not more than 90 days, but the Board may, in any case it deems appropriate, grant a 90-day extension of the permit.

3. The Board may require the holder of a temporary permit to pass an on-site inspection as a condition of retaining the permit. If the holder fails the inspection, his or her permit will be revoked. In case of revocation, the holder of a temporary permit may apply to be reinspected in accordance with the procedures set forth in NAC 631.2235.

(Added to NAC by Bd. of Dental Exam'rs, eff. 11-28-90; A by R005-99, 9-7-2000)

NAC 631.2256 Continuing education required. (NRS 631.190, 631.265, 631.342) Every 2 years, the holder of a general anesthesia permit or conscious sedation permit must complete at least 3 hours in courses of study that specifically relate to anesthesia or sedation, as applicable, before the permit may be renewed. This training will be credited toward any continuing education required by NAC 631.173.

(Added to NAC by Bd. of Dental Exam'rs, eff. 11-28-90; A by R005-99, 9-7-2000)

DISCIPLINARY ACTION

NAC 631.230 Unprofessional conduct. (NRS 631.190, 631.346, 631.347, 631.350)

1. In addition to those specified by statute and subsection 3 of NAC 631.177, the following acts constitute unprofessional conduct:

- (a) The falsification of records of health care or medical records.
 - (b) Writing prescriptions for controlled substances in such excessive amounts as to constitute a departure from prevailing standards of acceptable dental practice.
 - (c) The consistent use of dental procedures, services or treatments which constitute a departure from prevailing standards of acceptable dental practice even though the use does not constitute malpractice or gross malpractice.
 - (d) The acquisition of any controlled substances from any pharmacy or other source by misrepresentation, fraud, deception or subterfuge.
 - (e) Making an unreasonable additional charge for laboratory tests, radiology services or other testing services which are ordered by the dentist and performed outside his or her own office.
 - (f) The failure to report to the Board as required in NAC 631.155 or to sign any affidavit required by the Board.
 - (g) Employing any person in violation of NAC 631.260 or failing to report to the Board as required by that section.
 - (h) The failure of a dentist who is administering or directly supervising the administration of general anesthesia, deep sedation or conscious sedation to be physically present while a patient is under general anesthesia, deep sedation or conscious sedation.
 - (i) Administering conscious sedation to more than one patient at a time, unless each patient is directly supervised by a person authorized by the Board to administer conscious sedation.
 - (j) Administering general anesthesia or deep sedation to more than one patient at a time.
 - (k) The failure to have any patient who is undergoing general anesthesia, deep sedation or conscious sedation monitored with a pulse oximeter or similar equipment required by the Board.
 - (l) Allowing a person who is not certified in basic cardiopulmonary resuscitation to care for any patient who is undergoing general anesthesia, deep sedation or conscious sedation.
 - (m) The failure to obtain a patient's written, informed consent before administering general anesthesia, deep sedation or conscious sedation to the patient or, if the patient is a minor, the failure to obtain his or her parent's or guardian's consent unless the dentist determines that an emergency situation exists in which delaying the procedure to obtain the consent would likely cause permanent injury to the patient.
 - (n) The failure to maintain a record of all written, informed consents given for the administration of general anesthesia, deep sedation or conscious sedation.
 - (o) The failure to report to the Board, in writing, the death or emergency hospitalization of any patient to whom general anesthesia, deep sedation or conscious sedation was administered. The report must be made within 30 days after the event.
 - (p) Allowing a person to administer general anesthesia, deep sedation or conscious sedation to a patient if the person does not hold a permit to administer such anesthesia or sedation unless the anesthesia or sedation is administered:
 - (1) In a facility approved by The Joint Commission; or
 - (2) By an anesthesiologist in an office for which a certificate of site approval has been issued.
 - (q) The failure of a dentist who owns a dental practice to provide copies of the records of a patient to a dentist or dental hygienist who provided the services as an employee or independent contractor of the dentist when the records are the basis of a complaint before the Board. Nothing in this paragraph relieves the treating dentist or dental hygienist from the obligation to provide records of the patient to the Board.
 - (r) The failure of a dentist who owns a dental practice to verify the license of a dentist or dental hygienist before offering employment or contracting for services with the dentist or dental hygienist as an independent contractor.
 - (s) The failure of a dentist who owns a dental practice and participates in the diagnosis and treatment of any patient to ensure that the services rendered by a dentist or dental hygienist who is an employee or independent contractor of that dentist meet the prevailing standards of acceptable dental practice. If a dentist or dental hygienist who is an employee or independent contractor of the dentist is found by substantial evidence to have provided services below the prevailing standards of acceptable dental practice, the dentist who owns the dental practice may be required to reimburse the patient to whom the services were provided pursuant to paragraph (l) of subsection 1 of NRS 631.350.
 - (t) The failure of a dentist who owns a dental practice to record the name of the dentist or dental hygienist who provided the services in the records of a patient each time the services are rendered.
2. For purposes of NRS 631.347, a plan or practice requiring a patient to select a dentist from a specific group does not provide the patient with a reasonable opportunity to select a dentist of his or her own choice, and constitutes unprofessional conduct on the part of any dentist participating in such a plan

or practice, unless it, or another plan concurrently available to the patient, allows the patient to:

(a) Have an annual opportunity, lasting for a minimum of 30 days, to select a dentist of his or her own choice for all dental work to be performed during the subsequent 12 months. Any new patient added to the plan or practice must immediately be given an initial opportunity, lasting at least 30 days, to select the coverage supplied by the plan or practice or a dentist of his or her own choice.

(b) Receive the allowance for a procedure performed by a dentist of his or her own choice in substantially the same amount as he or she would if he or she used the services of one of the group of dentists specified by the plan or practice.

[Bd. of Dental Exam'rs, § XXVII, eff. 7-21-82]-(NAC A 10-21-83; 7-30-84; 9-13-85; 9-16-85; 4-3-89; 11-28-90; R005-99, 9-7-2000; R023-06, 9-18-2006; R159-08, 4-23-2009)

NAC 631.235 "Insurer" defined for purposes of NRS 631.348. (NRS 631.190, 631.348) For the purposes of NRS 631.348, "insurer" includes any entity licensed or required to be licensed by the Commissioner of Insurance pursuant to title 57 of NRS, Medicare, Medicaid or any third party payor.

(Added to NAC by Bd. of Dental Exam'rs, eff. 7-30-84)

NAC 631.240 Complaints against licensees. (NRS 631.190)

1. Any aggrieved person may file a complaint with the Board against a licensee. The complaint must:

- (a) Be written;
- (b) Be signed and verified by the complainant; and
- (c) Contain specific charges.

2. The Board will send a notice and a copy of the complaint to the licensee. The licensee must file a response to the complaint within 15 days after receiving the notice and copy of the complaint.

[Bd. of Dental Exam'rs, § XVII, eff. 7-21-82]-(NAC A 4-3-89)

NAC 631.250 Investigation by Board. (NRS 631.190, 631.360, 631.363)

1. If the Board conducts an investigation upon a complaint against a licensee, the Board will not limit the scope of its investigation to the matters set forth in the complaint but will extend the investigation to any additional matters which appear to constitute a violation of any provision of chapter 631 of NRS or of this chapter.

2. If, after its investigation, the Board dismisses the complaint, the dismissal does not operate as a limitation on or a detriment to any subsequent investigation or other action by the Board.

3. Whenever the Board directs that an investigation be conducted into a disciplinary matter, the results of the investigation or any information relating to the investigation will not be examined by and must not be disclosed to, the members of the Board before the Board's hearing on the matter.

[Bd. of Dental Exam'rs, § XVIII, eff. 7-21-82]

NAC 631.255 Record of hearing conducted by investigator or hearing officer or panel. (NRS 631.190, 631.350, 631.360, 631.363) If the Board has delegated its responsibility pursuant to the provisions of subsection 3 of NRS 631.350 or NRS 631.363, the hearing conducted as a result of that delegation of authority must be recorded and transcribed in permanent form by a shorthand reporter licensed to do business in this State.

(Added to NAC by Bd. of Dental Exam'rs, eff. 4-3-89)

MISCELLANEOUS PROVISIONS

NAC 631.260 Radiographic procedures: Lead apron required; certified statement and proof of qualifications required for certain persons who assist in procedures. (NRS 631.190)

1. Each patient who is undergoing a radiographic procedure must be covered with a lead apron.

2. Each licensee who employs any person, other than a dental hygienist, to assist him or her in radiographic procedures shall include with his or her application for annual renewal of his or her license:

(a) A certified statement containing the name of each person so employed, his or her position and the date he or she began to assist the licensee in radiographic procedures; and

(b) Proof that the employee has received adequate instruction concerning radiographic procedures and is qualified to operate radiographic equipment as required pursuant to subsection 3 of NAC 459.552.
[Bd. of Dental Exam'rs, § XXV, eff. 7-21-82]-(NAC A 7-30-84; 9-13-85; 9-6-96)

NAC 631.265 Requirements for machines used to administer nitrous oxide-oxygen analgesia.
(NRS 631.190, 631.265) Each machine used to administer nitrous oxide-oxygen analgesia must be equipped with a device to recover any gas which escapes into the air during the administration of the gas.
(Added to NAC by Bd. of Dental Exam'rs, eff. 9-6-96)

NAC 631.270 False or misleading advertising. (NRS 631.190, 631.348)

1. Advertising is false or misleading if it:

- (a) Claims that a manifestly incurable disease can be permanently cured.
- (b) Includes any false claim of a dentist's skill, or the efficacy or value of his or her dental treatment.
- (c) Guarantees that any professional service, dental treatment or dental procedure will be painless.

(d) Includes any statement which is known to be false, or through the exercise of reasonable care should be known to be false, deceptive, misleading or harmful, in order to induce any person to purchase, use or acquire any professional services or to enter into any obligation or transaction relating to those services.

(e) Includes any extravagant claim, aggrandizement of abilities or self-laudatory statement calculated to attract patients, and which has a tendency to mislead the public or produce unrealistic expectations in particular cases.

(f) Is false, deceptive or misleading in regard to the price or terms of credit for services performed or to be performed.

(g) Promotes the services of a dentist or group of dentists using a fictitious name, unless the name of each dentist, as registered with the Board, is included in the advertisement.

(h) States, suggests or implies that a dentist specializes in an area of specialization listed in NAC 631.190, unless the dentist is licensed for that area of specialty and the number of his or her license for that specialty is included in the advertisement.

2. Paragraph (h) of subsection 1 does not prohibit a dentist from limiting his or her practice to a single area of the practice of dentistry and so advertising that fact, if the advertisement:

(a) Uses the words "practice limited to" (area of limitation); and

(b) States that the dentist is not licensed as a specialist in that area of practice unless he or she is so licensed.

[Bd. of Dental Exam'rs, § XXVI, eff. 7-21-82]-(NAC A 9-13-85)

NAC 631.273 Ownership or control of practice by member of family after death of dentist.
(NRS 631.190, 631.385)

1. If, upon the death of a dentist licensed pursuant to chapter 631 of NRS, a surviving member of his or her family desires to own or control his or her practice, share in the fees therefrom, or control the services offered, the surviving member shall, within 2 months after the dentist's death, notify the Board of that fact by furnishing the Secretary-Treasurer with a certified copy of the death certificate.

2. Upon receipt of the death certificate, the Board will appoint one or more of its members, agents or employees to investigate the operation of the dental practice of the decedent to determine whether the practice is being conducted in full compliance with the requirements of chapter 631 of NRS and the regulations of the Board, paying particular attention to the health, welfare and safety of the public.

3. If, upon investigation, the Board finds that the practice is not being conducted in full compliance with the requirements of chapter 631 of NRS or the regulations of the Board, it will apply to the district court to enjoin the continuation of the practice and will further institute any disciplinary action it deems necessary against any licensed dentist or dental hygienist associated with the practice.

(Added to NAC by Bd. of Dental Exam'rs, eff. 10-21-83; A by R231-03, 5-25-2004)

NAC 631.275 Activities which constitute exercise of authority or control over clinical practice.
(NRS 631.190, 631.215)

1. For the purposes of paragraph (h) of subsection 2 of NRS 631.215, the Board will deem a person to exercise authority or control over the clinical practice of dentistry if the person, by agreement, lease, policy, understanding or other arrangement, exercises authority or control over:

(a) The manner in which a licensed dentist, a dental hygienist or a dental assistant uses dental equipment or materials for the provision of dental treatment;

(b) The use of a laboratory or the decision to purchase or not to purchase dental equipment or materials against the advice of a licensed dentist if the dentist reasonably concludes that such use, purchase or failure to purchase would impair the ability of the dentist or a dental hygienist to provide dental care to a patient consistent with the standard of care in the community;

(c) A decision of a licensed dentist regarding a course or alternative course of treatment for a patient, the procedures or materials to be used as part of a course of treatment or the manner in which a course of treatment is carried out by the dentist, a dental hygienist or a dental assistant;

(d) The length of time a licensed dentist or a dental hygienist spends with a patient or if the person otherwise places conditions on the number of patients a licensed dentist or a dental hygienist may treat in a certain period of time;

(e) The length of time a licensed dentist, a dental hygienist or a dental assistant spends performing dental services, against the advice of the dentist, if the dentist reasonably believes that the ability of the dentist, dental hygienist or dental assistant to provide dental care to a patient consistent with the standard of care in the community would be impaired;

(f) The referrals by a licensed dentist to another licensed dentist or otherwise places any restriction or limitation on the referral of patients to a specialist or any other practitioner the licensed dentist determines is necessary;

(g) The clinical practices of a dental hygienist regarding appropriate dental hygiene care or the duties that a licensed dentist may delegate to a dental hygienist;

(h) Patient records at any time to the exclusion of the applicable licensed dentist or the applicable patient;

(i) A decision of a licensed dentist to refund payments made by a patient for clinical work that is not performed or is performed incorrectly by:

(1) The dentist; or

(2) A dental hygienist employed by the licensed dentist or a professional entity of the licensed dentist;

(j) A decision regarding the advertising of the practice of a licensed dentist if the decision would result in a violation of the provisions of NRS 631.348 by the dentist;

(k) A decision to establish fees for dental services against the advice of a licensed dentist if the dentist reasonably concludes that those fees would impair the ability of the dentist or a dental hygienist to provide dental care to patients consistent with the standard of care in the community;

(l) A decision relating to the clinical supervision of dental hygienists and ancillary personnel regarding the delivery of dental care to patients of a licensed dentist;

(m) The hiring or firing of licensed dentists or dental hygienists or the material clinical terms of their employment relationship with a licensed dentist or a professional entity of a licensed dentist;

(n) A decision regarding the hiring of ancillary personnel against the advice of a licensed dentist or a decision by a licensed dentist to fire or refuse to work with ancillary personnel if that advice, firing or refusal is related to the clinical competence of that ancillary personnel to render dental care to patients, regardless of who employs such ancillary personnel; and

(o) The material terms of any provider contracts or arrangements between a licensed dentist or a professional entity of a licensed dentist and third-party payors against the advice of the dentist, if the dentist reasonably concludes that the contract or arrangement would impair the ability of the dentist to provide dental care to patients consistent with the standard of care in the community.

2. For the purposes of this section:

(a) "Ancillary personnel" means a person, other than a licensed dentist or a dental hygienist, who:

(1) Directly provides dental care to a patient under the supervision of a licensed dentist or a dental hygienist; or

(2) Assists a licensed dentist or a dental hygienist in the provision of dental care to a patient.

(b) "Clinical" means relating to or involving the diagnosis, evaluation, examination, prevention or treatment of conditions, diseases or disorders of the maxillofacial area, oral cavity or the adjacent and associated structures and their impact on the human body, as typically provided by a licensed dentist or, if applicable, a dental hygienist, within the scope of the education, experience and training of the dentist or dental hygienist, in accordance with applicable law and the ethics of the profession of dentistry.

(Added to NAC by Bd. of Dental Exam'rs by R202-09, eff. 8-13-2010)

NAC 631.279 Proceedings to determine applicability and construction of statutes and

regulations. (NRS 631.190)

1. Any applicant or licensed dentist or dental hygienist may obtain a determination or advisory opinion from the Board as to the applicability of any provision of chapter 631 of NRS or any regulation adopted pursuant thereto by bringing an action for a declaratory judgment before the Board.

2. The Board will construe any statute or regulation reviewed pursuant to this section in a manner consistent with the declared policy of the State of Nevada.

(Added to NAC by Bd. of Dental Exam'rs, eff. 12-15-87)

PRACTICE BEFORE THE BOARD OF DENTAL EXAMINERS OF NEVADA

Parties

NAC 631.280 Appearances. (NRS 631.190) Each party must enter his or her appearance at the beginning of a hearing or at a time designated by the presiding officer by giving his or her name and address and stating his or her position or interest to the presiding officer. The information must be entered in the record of the hearing.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.285 Representation by attorney. (NRS 631.190)

1. A party to a proceeding before the Board is entitled to be heard in person or by his or her attorney.

2. An attorney appearing as counsel in any proceeding must be an attorney at law, admitted to practice and in good standing before the highest court of any state. If an attorney is not admitted and entitled to practice before the Supreme Court of Nevada, an attorney so admitted and entitled to practice must be associated with that attorney.

(Added to NAC by Bd. of Dental Exam'rs by R023-06, eff. 9-18-2006)

NAC 631.290 Service of process on attorney. (NRS 631.190) Following the entry of an appearance by an attorney for a party, all notices, pleadings and orders to be served on that party must be served upon the attorney, and that service is valid for all purposes upon the party represented.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

Pleadings, Motions and Other Papers

NAC 631.300 Verification. (NRS 631.190) All pleadings must be verified. [Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.310 Motions. (NRS 631.190)

1. All motions, unless made during a hearing, must be made in writing. All written motions must set forth the nature of relief sought, the grounds therefor, and the points and authorities relied upon in support of the motion.

2. A party desiring to oppose a motion may serve and file a written response to the motion within 20 days after service of the motion. The moving party may serve and file a written reply to the response within 10 days after service of the response.

3. A decision on the motion will be rendered without oral argument unless oral argument is requested by the Board, in which event the Board will set a date and time for hearing.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.320 Filing; availability of copies. (NRS 631.190) The original and two copies of each pleading, motion or other paper must be filed with the Secretary-Treasurer. He or she may direct that a copy of each pleading or motion be made available by the party filing it to any other person who the Secretary-Treasurer determines may be affected by the proceeding and who desires the copy.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]-(NAC A by R231-03, 5-25-2004)

NAC 631.330 Service of process. (NRS 631.190) Any document required to be served by a party, other than a notice of a hearing, complaint, adverse decision or order of the Board, may be served by mail. The service shall be deemed complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.340 Proof of service. (NRS 631.190) There must appear on, or be attached to, each document required to be served proof of service by a certificate of an attorney or his or her employee, a proof of personal service, a written admission of service or by an affidavit of mailing.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.350 Failure of party to answer complaint. (NRS 631.190) The failure of a party to file an answer within the time prescribed creates a rebuttable presumption that the party admits generally the allegations of the complaint.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]-(NAC A by R006-99, 4-3-2000)

NAC 631.355 Application for subpoena. (NRS 631.190, 631.360)

1. A party to a proceeding before the Board desiring to subpoena a witness must submit an application in writing to the Executive Director stating the reasons why the subpoena is requested.

2. The Executive Director may require that a subpoena requested by a party for the production of health care records, papers, books, accounts or other documents be issued only after the submission of an application in writing to the Executive Director, which specifies as clearly as may be, the health care records, papers, books, accounts or other documents desired.

3. The Executive Director, upon receipt of an application for a subpoena, shall:

(a) Grant the application and issue the subpoena;

(b) Deny the application; or

(c) Schedule a hearing to decide whether to grant or deny the application.

4. If an application to issue a subpoena is denied, the applicant may petition the Board for reconsideration.

5. As used in this section, "health care records" has the meaning ascribed to it in NRS 629.021.

(Added to NAC by Bd. of Dental Exam'rs by R159-08, eff. 4-23-2009)

Hearings

NAC 631.370 Expenses of witness attending prehearing deposition. (NRS 631.190) Any witness required to attend a prehearing deposition or hearing before the Board is entitled to receive, in the same manner and amount, the fees and reimbursements for travel which are statutorily provided for witnesses in courts generally.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]-(NAC A 12-15-87)

NAC 631.380 Failure of party to appear. (NRS 631.190) If a party fails to appear at a hearing scheduled by the Board and no continuance has been requested or granted, the Board will hear the evidence and proceed to consider the matter and dispose of it on the basis of the evidence before it.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.390 Presentation of evidence. (NRS 631.190)

1. The presiding member of the Board shall call the hearing to order and proceed to take the appearances of the Board's members, the parties and their counsel, and the Board will act upon any pending motions, stipulations and preliminary matters.

2. The notice of hearing, complaint, petition, answer, response or written stipulation becomes a part of the record without the necessity of being read unless a party requests that the paper be read verbatim into the record.

3. Applicants, petitioners or complainants must present their evidence first. Afterward, parties who are opposing the application, petition or complaint may submit their evidence.

4. Closing statements by the parties may be allowed by the Board or a presiding member.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.395 Participation by investigator. (NRS 631.190, 631.363) An investigator appointed pursuant to NRS 631.363 may provide testimony regarding the investigator's findings and conclusions about a matter at a hearing before the Board but may not participate in the decision rendered by the Board in that matter.

(Added to NAC by Bd. of Dental Exam'rs by R023-06, eff. 9-18-2006)

NAC 631.400 Briefs. (NRS 631.190) The Board may request briefs to be filed or, upon motion by

a party, may permit briefs to be filed. The time for filing briefs will be set by the members of the Board who are conducting the hearing.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]

NAC 631.410 Decision by Board. (NRS 631.190)

1. A case stands submitted for decision by the Board after the taking of evidence, the filing of briefs or the presentation of such oral arguments as may have been permitted by the Board.

2. The Board will issue its order or render its decision within 90 days after the hearing or the submission of the case.

[Bd. of Dental Exam'rs, part § XIX, eff. 7-21-82]